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JUL 27 2005

OFFICE OF PETITIONS

LU 6084 (US)

12AC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
Shahram Mihan et al. )  
Serial No. 10/538,540 )  
Filed June 10, 2005 )  
For COPOLYMERS OF ETHYLENE WITH )  
ALPHA-OLEFINS )

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO CORRECT FILING DATE UNDER 37 CFR 1.10(d)**

Applicants respectfully request the Office to change the filing date of this application from June 11, 2005 to June 10, 2005. The facts pertaining to this Petition are as follows:

4. On Friday, June 10, 2005, Applicants deposited with the USPS the present application papers in a package, under US Express Mail certificate ER 935731504US. A copy of this certificate of mailing is enclosed as Attachment A.
5. This application package was not processed by the USPS until Saturday, June 11, 2005. This is evidenced by the tracking sheet enclosed as Attachment B, and a USPS letter dated July 15, 2005, stating that the delay in processing was due to the USPS, not Applicants' office. The USPS letter is enclosed as Attachment C.
6. Applicants became aware of the USPS error on June 27, 2005, upon receipt of the acknowledgment card duly stamped by the USPTO (copy attached as Attachment D); and initiated an inquiry as to the cause.

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In view of these facts, Applicants earnestly request that the Director enter the above change in filing date.

No fee is believed due with this Petition. However, if a fee is due, the Office is authorized to charge any such fee to Deposit Account No. 08-2336.

Respectfully submitted,

**SHAHRAM MIHAN ET AL.**

By William R. Reid

William R. Reid

Reg. No. 47,894

Attorney for Applicants

Basell USA Inc.  
912 Appleton Road  
Elkton, Maryland 21921

July 20, 2005

Attachments

Attorney's Telephone No.: 410-996-1783  
Attorney's Facsimile No.: 410-996-1560  
Attorney's E-mail: william.reid@basell.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on July 20, 2005.

William R. Reid  
Signature  
July 20 2005  
Date

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Legal Staff  
International Division

Attachment A



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**EXPRESS MAILING CERTIFICATE**

This certifies that the attached PTO Form 1390 (in duplicate), Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371, and **Preliminary Amendment, Application Data Sheet, Declaration for Patent, Assignment Cover Sheet, and Copy of Assignment** for the patent application of **Shahram Mihan et al.** for **COPOLYMERS OF ETHYLENE WITH ALPHA-OLEFINS** (our ref: LU 6084 (US)) is being mailed by "Express Mail Post Office to Addressee" service in an envelope addressed:

Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

and deposited on **June 10, 2005** as "Express Mail" in the United States Postal Service, the number of the "Express Mail" mailing label being **ER935731504US**.

Marjorie Gray

Typed Name of Person Mailing Paper or Fee

Marjorie Gray

Signature of Person

O I P E  
JUL 25 2005  
U.S. POSTAL SERVICE



ER 935731504 US

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code 21921	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/> <b>1365</b>	
Date In 6/11/05		Postage \$	
Mo. Day Year 6 11 05	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee	
Time In 6:07:00	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight 10.2 lbs. ozs.	Int'l Alpha Country Code	COD Fee \$	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input checked="" type="checkbox"/> Holiday	Acceptance Clerk Initials <b>DAH</b>	Total Postage & Fees <b>1365</b>	

FROM: (PLEASE PRINT) PHONE ( )

Jolene A. Outten  
Basell USA, Inc.  
Intellectual Property  
912 Appleton Road  
Elkton MD 21921

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[www.usps.com](http://www.usps.com)   
 PRESS HARD. You are making 3 copies.

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Label 11-B September 2002

**EXPRESS MAIL**  
UNITED STATES POSTAL SERVICE

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Attempt	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Date	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		

CUSTOMER USE ONLY			
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested.		
Federal Agency Acct. No. or Postal Service Acct. No.	<input type="checkbox"/> I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in a secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.		
<input type="checkbox"/> NO DELIVERY Weekend <input type="checkbox"/> Holiday	Customer Signature		

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Attachment B



## Track/Confirm - Intranet Item Inquiry - Domestic

Item: ER93 5731 504U S	Date/Time Mailed: 06/10/2005 12:25		
Destination	ZIP Code: 22313	City: ALEXANDRIA	State: VA
Origin	ZIP Code: 21921-9998	City: ELKTON	State: MD
Class: Express Mail - PO to addressee		RECEIVED	
Scheduled Delivery Date: 06/11/2005 12:00		JUL 27 2005	
Postage: \$13.65		PO Box?: Y	
Delv Rqmt: Normal		OFFICE OF PETITIONS	

Event	Date/Time	Location	Scanner ID
DELIVERED	06/13/2005 05:44	ALEXANDRIA, VA 22313	J429737
	Firm Name: PATENT OFFICE		
	Recipient: 'S DYAR'		
	<a href="#">Request Delivery Record</a>		
	<a href="#">View Delivery Signature and Address</a>		
ARRIVAL AT PICK-UP-POINT	06/12/2005 06:39	ALEXANDRIA, VA 22313	K748113
ARRIVAL AT UNIT	06/12/2005 06:21	DULLES, VA 20102	K748113
ENROUTE	06/12/2005 01:55	DULLES, VA 20102	J502625
ACCEPT OR PICKUP	06/11/2005 09:10	ELKTON, MD 21921	
ACCEPT OR PICKUP	06/10/2005 12:25	ELKTON, MD 21921	00A24M69K

Enter Request Type and Item Number:

Quick Search  Extensive Search [Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on multiple items.

Go to the Product Tracking System Home Page.



Attachment C

July 15, 2005

There was a failure on the part of the Postal Service to expedite the express ER 935731504US, the delay was not the failure of Pitney Bowes. Any concerns please feel free to call me.

*Allen E. Conklin*

Allen E. Conklin  
Supervisor, Customer Service  
Elkton Post Office

ELKTON POST OFFICE  
137 W. MAIN STREET  
ELKTON, MARYLAND 21921-9998  
PHONE: 410-398-4040  
FAX: 410-620-9258

Attachment D

The PTO date stamp hereon is in acknowledgment that on this date PTO received:

FORM PTO-1390 (in duplicate)  
APPLICATION DATA SHEET  
PRELIMINARY AMENDMENT  
DECLARATION FOR PATENT  
ASSIGNMENT COVER SHEET  
COPY OF ASSIGNMENT

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JUL 27 2005

in reference to U.S. Patent Application of Shahram Mihan et al. filed this 10<sup>th</sup> day of June 2005, entitled **COPOLYMERS OF ETHYLENE WITH ALPHA-OLEFINS.**

Atty Dkt No: LU 6084 (US)

10/538540 ✓

EARLY NOTIFICATION OF SERIAL NUMBER REQUESTED

JUN 2 Rec'd PCT/PTO 11 JUN 2005